

IN THE UNITED STATES DISTRICT COURT

FILED  
U.S. DISTRICT COURT  
AUGUSTA DIV.

FOR THE SOUTHERN DISTRICT OF GEORGIA

2005 JUL 27 AM 10: 51

AUGUSTA DIVISION

CLERK L. Illender  
SO. DIST. OF GA.

JAMES FREDRICK SMITH, JR., )

Plaintiff, )

v. )

CV 104-170

RUSSELL CANTERBURY, et al., )

Defendants. )

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**ORDER**

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After a careful, *de novo* review of the file, the Court concurs with the Magistrate Judge's Report and Recommendation to which no objections have been filed. Accordingly, the Report and Recommendation of the Magistrate Judge is **ADOPTED** as the opinion of the Court. Therefore, Sheriff Whittle will not be added back into this case.

SO ORDERED this 27<sup>th</sup> day of July, 2005, at Augusta, Georgia.

  
UNITED STATES DISTRICT JUDGE

**United States District Court**  
***Southern District of Georgia***

SMITH  
\_\_\_\_\_ )

vs )

CANTERBURY, et al.  
\_\_\_\_\_ )

CASE NUMBER CV104-170

DIVISION AUGUSTA

The undersigned, a regularly appointed and qualified deputy in the office of the Clerk of this district, while conducting the business of the Court for said division, does hereby certify the following:

1. Pursuant to the instructions from the Court and in the performance of my official duties, I personally placed in the United States Mail a sealed envelope, and properly addressed to each of the persons, parties or attorneys named below; and
2. That the aforementioned enveloped contained a copy of the document dated \_\_\_\_\_, which is part of the official record of this case.

Date of Mailing: July 27, 2005

Date of Certificate ☒ same date, or \_\_\_\_\_

Scott L. Poff, Clerk

By: James H. Burton  
Deputy Clerk

Name and Address

James Fredrick Smith, pro se, at prison  
Terry Williams, Esq.

- ☐ Copy placed in Minutes  
☒ Copy given to Judge  
☐ Copy given to Magistrate